

PTO/SB/26 (09-04)

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**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
033808.137

In re Application of: Lacroix, et al.

Application No. 09/718,427

Filed: November 24, 2000

For: THERMOPLASTIC POLYESTER COMPOSITIONS HAVING IMPROVED IMPACT PROPERTIES

The owner*, Atofina, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,809,151 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as the term of said prior patent is presently shortened by any terminal disclaimer,* in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record. Reg. No. _____

Signature

Date

Jean-Yves TARTAIK

Typed or printed name

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/96 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Lacroix, et al.Application No./Patent No.: 09/718,427Filed/Issue Date: November 24, 2000Entitled: THERMOPLASTIC POLYESTER COMPOSITIONS HAVING IMPROVED IMPACT PROPERTIESATOFINA, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011747, Frame 0037, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

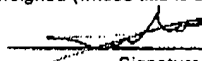
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


SignatureApril 3, 2006
DateJean-Yves TARTAILX

Printed or Typed Name

Telephone Number

Authorized Representative

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JULY 17, 2001

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SMITH, GAMBRELL & RUSSELL, LLP
FREDERICK F. CALVETTI
1850 M STREET N.W.
SUITE 800
WASHINGTON, DC 20036



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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/25/2001

REEL/FRAME: 011747/0037
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LACROIX, CHRISTOPHE

DOC DATE: 02/02/2001

ASSIGNOR:

BOUILLOUX, ALAIN

DOC DATE: 02/01/2001

ASSIGNEE:

ATOFINA
4/8 COURS MICHELET LA DEFENSE 10
F-92800 PUTEAUX, FRANCE

SERIAL NUMBER: 09718427
PATENT NUMBER:

FILING DATE: 11/24/2000
ISSUE DATE:

LAZENA MARTIN, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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05-04-2001



101701945



Docket No.: 033808.137

RECORDATION COVER SHEET
PATENTS

To the Honorable Commissioner of Patents and Trademarks:
Please record the attached original documents or copies thereof.

1. Name(s) of conveying party(ies):

1. Christophe LACROIX and 2. Alain BOUILLLOUX

2. Name(s) and Address(es) of receiving party(ies):

ATOFINA
4/8 Cours Michelet
La Defense 10
F-92800 Puteaux - France

3. Nature of conveyance: Assignment
Execution Date: 1. 2/2/01 and 2. 2/1/01, respectively

4A. Application Serial No.: 09/718,427
Application Filed: November 24, 2000

5. Name and Address of Party to whom correspondence regarding this document should be mailed:

Smith, Gambrell & Russell, LLP
1850 M Street N.W. (Suite 800)
Washington, DC 20036
202 659-2811

6. Total number of applications and patents involved : one

7. Total fee: \$40.00.
(Enclosed. Please charge any deficiency or refund any excess to counsel's deposit account.)

8. Deposit account no.: 02-4300

DO NOT USE THIS SPACE

9. Statement and Signature: To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Name of Person Signing: Frederick F. Calvetti, Reg. No. 28,557

Signature:

Frederick F. Calvetti

Date: April 25, 2001

033808.137 05718427

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ASSIGNMENT

This assignment agreement is applicable to an invention entitled:

**THERMOPLASTIC POLYESTER COMPOSITIONS
HAVING IMPROVED IMPACT PROPERTIES**

The PATENT RIGHTS referred to in this agreement are:

- (check one) ☐ a patent application for this invention, executed by the ASSIGNOR(S) concurrently with this assignment.
- ☒ U.S. patent application Serial No. 09/718,427, filed November 24, 2000
- ☐ a U.S. patent application based on PCT International Application No. _____ filed on (date) _____, (U.S. patent application Serial No. _____, if known).
- ☐ U.S. patent No. _____, issued _____.

The PATENT RIGHTS also include all divisions, reissues, continuations and extensions of the patents and patent applications identified above.

The PATENT RIGHTS assigned under this agreement are:

- (check one) ☒ U.S. patent rights only.
- ☐ Worldwide patent rights. In this case, the assignee shall have the right to claim the benefit of the filing date of any U.S. or foreign patent application for this invention.

The ASSIGNOR(S) referred to in this agreement is (or are) the inventor(s) whose signatures appear on page 2 of this Assignment and any Supplemental Sheet(s).

The ASSIGNEE referred to in this agreement is:

(Name of Assignee) ATOFINA

(Address) 4/8 COURS MICHELET
La Defense 10
92800 PUTEAUX - FRANCE

The ASSIGNEE is:

- (check one) ☐ An Individual.
- ☐ A Partnership.
- ☒ A Corporation of FRANCE (specify state or country)
- ☐ (other) _____

The ASSIGNOR(S), receipt of which is acknowledged, hereby assign(s) the following rights to the ASSIGNEE, its successors and assigns:

the full and exclusive right to the invention;
the entire right, title and interest in and to the PATENT RIGHTS;

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ASSIGNEE: ATOFINA

INVENTION TITLE: THERMOPLASTIC POLYESTER COMPOSITIONS
HAVING IMPROVED IMPACT PROPERTIES

the right to sue and recover for any past infringement; and,
the right to claim priority under 35 USC 119, 35 USC 120, or any other applicable
provisions, based on any earlier patent applications for this invention.

As to all U.S. patent applications assigned under this agreement, the ASSIGNOR(S)
hereby authorize(s) and request(s) the Commissioner of Patents and Trademarks to issue all
Letters Patent to the ASSIGNEE as the assignee of the entire right, title and interest, for the
sole use and enjoyment of said ASSIGNEE, its successors and assigns.

Further, the ASSIGNOR(S) agree(s) to communicate to said ASSIGNEE, or its
representatives, any facts known to the ASSIGNOR(S) respecting said invention, and testify in
any legal proceedings, sign all lawful papers, execute all divisional, continuation, substitute,
renewal, reexamination and reissue applications, execute all necessary assignment papers to
cause any and all Letters Patent to be issued to said ASSIGNEE, make all rightful oaths and
generally do everything necessary or desirable to aid said ASSIGNEE, its successors and
assigns, to obtain and enforce proper protection for said invention.

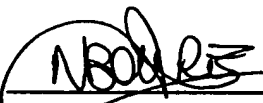
The ASSIGNORS authorize any attorneys and agents who have a power of attorney in
this application to check any appropriate boxes and to insert the Serial Number and filing date
in this document after it has been executed.



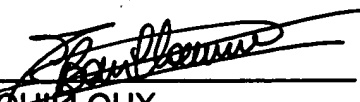
Christophe LACROIX

February 2, 2001

Date




Witness



Alain BOUILLOUX

February 1, 2001

Date



Witness

Date

Witness

Date

Witness

Date

Witness